



REGISTER NOTICE

1. TITLE OF THE REGULATIONS:

Amendment to Regulation 1120 New Source Performance Standards

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Congress sought to reduce public health impacts due to the exposure to criteria pollutants in the 1990 Amendments to the Clean Air Act. Under Section 111(b), the EPA Administrator is required to establish Federal standards of performance for new sources in prescribed source categories. Under Section 111(d)(1), each State is required to submit a plan to the EPA Administrator which establishes standards of performance for existing sources in those prescribed source categories.

On September 15, 1997, the EPA adopted a New Source Performance Standard and an Emission Guideline, 40 CFR Part 60 Subpart Ec and Ce, respectively, which were applicable to new and existing hospital, medical and infectious waste incinerator (HMIWI) units. As required under the Clean Air Act, Delaware adopted Section 29, "New Source Performance Standards for Hospital/Medical/ Infectious Waste Incinerators" into Regulation 1120 on September 1, 1998. At the time of the adoption of Section 29, there were 3 existing Delaware HMIWI units in operation. Since the 1998 adoption of Section 29, those 3 existing HMIWI units have been dismantled and no new HMIWI units have been built.

Delaware is proposing to repeal Section 29 as its inherent regulatory requirements are currently outdated and its continuance is no longer justified by present realities. Any new HMIWI units would be regulated under the amended 40 CFR Part 60, Subpart Ec that the EPA adopted on October 6, 2009.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT: 7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, August 22, 2012 beginning at 6:00 PM in the DNREC's Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

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Date